UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHARON SCHARF,

     Plaintiff,

                                  Case No. 14-14322

v.

                                  Hon. John Corbett O'Meara

TRANS UNION, LLC, *et al.*,

     Defendants.

_____/

ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION

     Before the court is Defendant Xerox Education Services, LLC's motion for

reconsideration of the court's October 22, 2015 opinion and order. The court

granted summary judgment in favor of Plaintiff and denied Defendant's motion for

summary judgment. The standard for granting a motion for reconsideration is as

follows:

> Generally, and without restricting the court's discretion,
> the court will not grant motions for rehearing or
> reconsideration which merely present the same issues
> ruled upon by the court, either expressly or by reasonable
> implication. The movant shall not only demonstrate a
> palpable defect by which the court and the parties have
> been misled but also show that correcting the defect will
> result in a different disposition of the case.

LR 7.1(h)(3). A motion for reconsideration "is not properly used as a vehicle to re-hash old arguments or to advance positions that could have been argued earlier but were not." Smith v. Mount Pleasant Schools, 298 F. Supp.2d 636, 637 (E.D. Mich. 2003) (citing Sault Ste. Marie Tribe of Chippewa Indians v. Engler, 146 F.3d 357, 374 (6th Cir. 1998)).

In its motion for reconsideration, Xerox re-argues issues it raised in its summary judgment motion; in so doing, it has not demonstrated a "palpable defect" by which the court and parties have been misled.

IT IS HEREBY ORDERED that Xerox's November 5, 2015 motion for reconsideration is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: November 12, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, November 12, 2015, using the ECF system.

s/William Barkholz
Case Manager

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